



General Assembly

**Substitute Bill No. 5814**

February Session, 2008

\* \_\_\_\_\_ HB05814ET \_\_\_\_\_ 031108 \_\_\_\_\_ \*

**AN ACT CONCERNING COMMUNITY ACCESS TELEVISION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) (a) Any third-party  
2       nonprofit community access provider serving six municipalities, one of  
3       which has a population of more than one hundred thirty thousand,  
4       shall, upon request from any town organization, authority, body or  
5       official within its service territory, provide written consent, pursuant  
6       to its service provider agreements, for said town organization,  
7       authority, body or official to (1) operate education and government  
8       public access channels in that town, and (2) engage freely and directly  
9       the community antenna television company providing services in that  
10      town to use their headend equipment for dissemination of town-  
11      specific public access programming on such channels. Said third-party  
12      nonprofit community access provider must grant such written consent  
13      to said requesting town organization, authority, body or official within  
14      three business days. Written consent not provided within three  
15      business days shall be deemed granted.

16      (b) If a third-party nonprofit provider fails to provide written  
17      consent within three days, pursuant to subsection (a) of this section,  
18      the Department of Public Utility and Control shall, upon a request  
19      from a town organization, authority, body or official within the service  
20      territory of that third-party nonprofit community access provider

21 serving six municipalities, one of which has a population of more than  
22 one hundred thirty thousand, (1) terminate, revoke or rescind such  
23 third party nonprofit provider's service agreement to provide public  
24 access programming within one hundred eighty days, and (2) reopen  
25 the application process to secure a community access provider for each  
26 of the towns within the affected service territory.

27       Sec. 2. (NEW) (*Effective from passage*) (a) A community antenna  
28 television company that provides services within a service territory of  
29 a third-party nonprofit community access provider that serves six  
30 municipalities, one of which has a population of more than one  
31 hundred thirty thousand, shall direct the sum of one hundred  
32 thousand dollars per year from the funds collected from subscribers in  
33 said service territory that it provides to the existing third-party  
34 nonprofit community access provider serving six municipalities, one of  
35 which has a population of more than one hundred thirty thousand,  
36 directly to the service territory's cable access advisory council for  
37 developing town-specific education and government public access  
38 programming.

39       (b) A cable access advisory council that receives funds pursuant to  
40 subsection (a) of this section shall distribute said funds in their entirety  
41 to a town organization, authority, body or official in the service  
42 territory of a third-party nonprofit community access provider serving  
43 six municipalities, one of which has a population of more than one  
44 hundred thirty thousand, to support the development of production  
45 and programming capabilities for town-specific education and  
46 government public access programming, pursuant to grant procedures  
47 and processes established by said council.

48       (c) Any cable access advisory council that receives funds pursuant  
49 to subsection (a) of this section shall report annually to the Department  
50 of Public Utility Control all completed or planned disbursements of  
51 funds and certify that said funds were spent in their entirety and used  
52 for the public good in the creation of town-specific education and  
53 government public access programming for at least one of the towns in

54 its service territory.

55 Sec. 3. (NEW) (*Effective from passage*) (a) Local cable access advisory  
56 councils shall mediate customer inquiries or complaints regarding  
57 public access television within their service areas. Inquiries or  
58 complaints may involve public access service, public access funding  
59 allocation, access to production studios, quality of programming,  
60 availability of town-specific programming and other public access  
61 television issues.

62 (b) If any party is unsatisfied with such council's proposed  
63 resolution of such inquiry or complaint, such party may bring the  
64 party's issue to the Department of Public Utility Control. The  
65 department shall adopt regulations in accordance with chapter 54 of  
66 the general statutes to set forth the manner in which the department  
67 shall handle such issues.

68 (c) Not later than January 1, 2009, each community access provider  
69 shall notify residents in its service area regarding contact information  
70 for the local cable access advisory council.

71 Sec. 4. Subsection (c) of section 16-333 of the general statutes is  
72 repealed and the following is substituted in lieu thereof (*Effective from*  
73 *passage*):

74 (c) The Department of Public Utility Control shall adopt regulations  
75 in accordance with chapter 54 requiring each community antenna  
76 television company to [maintain] provide to all of its subscribers at  
77 least [one] the number of specially designated, noncommercial  
78 community access [channel] channels that it provided or made  
79 available to [the public] all of its subscribers in a given area as of  
80 January 1, 2008, and establishing minimum standards for the  
81 equipment supplied by such company for the community access  
82 programming and requirements concerning the availability and  
83 operation of such channel.

84 Sec. 5. Section 16-331d of the general statutes is repealed and the

85 following is substituted in lieu thereof (*Effective from passage*):

86 (a) The chief elected official from the town in which a vacant seat  
87 exists on a community antenna television advisory council shall  
88 appoint a member to fill such vacancy if any other appointing  
89 authority fails to make an appointment within six months of the time  
90 in which a vacancy occurs.

91 (b) [No] Any member of a community antenna television advisory  
92 council [appointed by the chief elected official of a municipality, the  
93 board of education or the public libraries shall] may be an employee of  
94 a community [antenna television company] access provider. For the  
95 purposes of this subsection, an employee includes any person working  
96 full or part time or performing any subcontracting or consulting  
97 services for the [company] provider.

98 Sec. 6. Section 16-331t of the 2008 supplement to the general statutes  
99 is repealed and the following is substituted in lieu thereof (*Effective*  
100 *from passage*):

101 (a) A company issued a certificate of cable franchise authority shall,  
102 twice a year, convene a meeting with the advisory council established  
103 pursuant to its previous certificate of public convenience and necessity  
104 issued pursuant to section 16-331 of the 2008 supplement to the general  
105 statutes. Members shall be appointed in accordance with section 16-  
106 331d. [No] A member of the advisory council [shall] may be an  
107 employee of a [company providing community antenna television  
108 service or video service] community access provider. For the purposes  
109 of this subsection, an employee includes any person working full or  
110 part time or performing any subcontracting or consulting services for a  
111 company providing community antenna television service or video  
112 service.

113 (b) A company issued a cable franchise authority certificate shall  
114 provide funding to the advisory council in the amount of two  
115 thousand dollars per year.

116 (c) Members of the advisory council shall serve without  
117 compensation. For the purposes of this section, compensation shall  
118 include the receipt of any free or discounted community antenna  
119 television service or video service.

120 (d) The Department of Public Utility Control shall designate the  
121 advisory council as an intervenor in any contested case proceeding  
122 before the department involving the company it advises. Such  
123 company shall provide to the chairperson of the advisory council a  
124 copy of any report, notice or other document it files with the  
125 department in any applicable proceeding.

126 (e) Any company issued a certificate of cable franchise authority  
127 shall, every six months, provide on bills, bill inserts or letters to  
128 subscribers, a notice indicating the name and address of the  
129 chairperson of the advisory council and describing the responsibilities  
130 of such advisory council. The advisory council shall have an  
131 opportunity to review such notice prior to its distribution.

132 Sec. 7. Section 16-331h of the 2008 supplement to the general statutes  
133 is repealed and the following is substituted in lieu thereof (*Effective*  
134 *October 1, 2008*):

135 (a) Not later than one hundred twenty days after the certified  
136 competitive video service provider begins offering service in a  
137 designated area pursuant to its certificate of video franchise authority,  
138 such provider shall provide capacity over its video service to allow  
139 community access programming, in its basic service package, in  
140 accordance with the following: (1) The certified competitive video  
141 service provider shall provide capacity equal to the number of  
142 community access channels currently offered by the incumbent  
143 community antenna television company in the given area; (2) the  
144 certified competitive video service provider shall provide funds for  
145 community access operations, as provided in subsection (k) of section  
146 16-331a of the 2008 supplement to the general statutes; (3) the certified  
147 competitive video service provider shall provide the transmission of

148 community access programming [with connectivity up to the first two  
149 hundred feet] from the competitive video service provider's activated  
150 wireline video programming distribution facility located in the  
151 provider's designated service area and shall not provide additional  
152 requirements for the creation of any content; and (4) the community  
153 access programming shall be submitted to the certified competitive  
154 video service provider in a manner or form that is compatible with the  
155 technology or protocol utilized by said competitive video service  
156 provider to deliver video services over its particular network, and is  
157 capable of being accepted and transmitted by the provider. [, without  
158 requirement for additional alteration or change in the content by the  
159 provider.]

160 (b) A certified competitive video service provider and a community  
161 antenna television company or nonprofit organization providing  
162 community access operations shall engage in good faith negotiation  
163 regarding interconnection of community access operations where such  
164 interconnection is technically feasible or necessary. Interconnection  
165 may be accomplished by direct cable, microwave link, satellite or other  
166 reasonable method of connection. At the request of a competitive video  
167 service provider, community antenna television company or provider  
168 of community access operations, the Department of Public Utility  
169 Control may facilitate the negotiation for such interconnection.

170 (c) Not later than one hundred twenty days after the certified  
171 competitive video service provider begins offering service in a  
172 designated area pursuant to its certificate of video franchise authority,  
173 such provider shall provide transmission of the Connecticut Television  
174 Network to all its subscribers, including real-time transmission as  
175 technically feasible, under the same conditions as set forth in  
176 subdivisions (3) and (4) of subsection (a) of this section.

177 (d) [The] On or before April 1, 2009, the Department of Public  
178 Utility Control shall initiate a contested case proceeding to evaluate the  
179 video and audio quality, and length of time necessary to access and  
180 view public access programming and content that certified competitive

181 video service providers and holders of a certificate of cable franchise  
182 authority provide to their subscribers. The department shall report its  
183 findings to the joint standing committee of the General Assembly  
184 having cognizance of matters relating to energy on or before January 1,  
185 2010.

186       Sec. 8. (NEW) (*Effective from passage*) Notwithstanding any order of  
187 the Department of Public Utility Control, no community antenna  
188 television company or its affiliate shall qualify, be certified, or provide  
189 service as a competitive video service provider in any area or  
190 municipality where it or an affiliate was providing service as a  
191 community antenna television company pursuant to section 16-331 of  
192 the 2008 supplement to the general statutes, on or before October 1,  
193 2007, unless it (1) on or before January 1, 2009, files with the  
194 Department of Public Utility Control a statement of intention to  
195 provide video service in an area in which it did not provide video  
196 service as a community antenna television company, pursuant to  
197 section 16-331 of the 2008 supplement to the general statutes, on or  
198 before October 1, 2007, and (2) on or before January 1, 2010, initiates  
199 construction or acquires access to wireline assets necessary to create  
200 the infrastructure to provide video service in an area in which it did  
201 not provide video service as a community antenna television company,  
202 pursuant to section 16-331 of the 2008 supplement to the general  
203 statutes, on or before October 1, 2007.

204       Sec. 9. (NEW) (*Effective from passage*) Any community antenna  
205 television company or nonprofit organization providing community  
206 access operations that supplied original programming from locally run  
207 operations and provided funding to town-specific programming shall  
208 continue to fund town-specific programming in such proportions to  
209 funding for original programming from locally run operations as of  
210 January 1, 2008.

211       Sec. 10. Section 16-331s of the 2008 supplement to the general  
212 statutes is repealed and the following is substituted in lieu thereof  
213 (*Effective from passage*):

214 (a) A company issued a certificate of cable franchise authority shall  
 215 be subject to the community access programming and operations  
 216 provisions set forth in subsections (b) to [(i), inclusive, and subsections  
 217 (k)] (l), inclusive, and (n) of section 16-331a of the 2008 supplement to  
 218 the general statutes, and any regulations pursuant thereto, and  
 219 subsection (c) of section 16-333, as amended by this act, and any  
 220 regulations pursuant thereto.

221 (b) A company issued a cable franchise authority certificate shall  
 222 provide transmission of the Connecticut Television Network to all its  
 223 subscribers, including real-time transmission as technically feasible.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	16-333(c)
Sec. 5	<i>from passage</i>	16-331d
Sec. 6	<i>from passage</i>	16-331t
Sec. 7	<i>October 1, 2008</i>	16-331h
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	16-331s

**ET** Joint Favorable Subst.